

**CITY OF WEST POINT, KENTUCKY**  
**ORDINANCE 2012-06B**  
**AN ORDINANCE IMPOSING AN BUSINESS LICENSE FEE EQUAL TO**  
**ONE PERCENT (1%) OF GROSS EARNINGS**

**BE IT ORDAINED BY THE CITY OF WEST POINT, KENTUCKY:**

WHEREAS the City Council must provide revenue for established and necessary City services including revenues to cover reasonable established budgets;

AND WHEREAS KRS 83A, KRS 92 281 and other sections and authorities permit fees upon occupations generally;

NOW THEREFORE BE IT ORDAINED BY THE CITY OF WEST POINT:

110.01B

(A) There is hereby levied and imposed an annual license fee upon all person, corporate individuals or associated in any manner in or from the City for the privilege of engaging in such occupation, trade, profession, or other activity whether in person, by mail, telephonic or electronic communication, for all casual business entities working within the city and rental properties

(B) The annual fee for business entities to operate or work within the City of West Point shall have the following schedule:

**GROSS SALES**

a) \$1000 00 - \$2500 00	\$25 00 fee
b) \$2501 00 - \$7500 00	\$50 00 fee
c) \$7501.00 - \$25,000.00	\$75 00 fee
d) \$25001 00 - \$100000.00	\$100.00 fee
e) over \$100,000 00	01% of gross sales

The maximum tax levied will be \$500.00 per business enterprise

(C) A Casual Class license may be purchased for the following fees:

- |                           |          |
|---------------------------|----------|
| a) Single Job             | \$40 00  |
| b) Multiple Jobs annually | \$100 00 |

(D) Rental properties shall have the attached licensing fee schedule:

- |                   |          |
|-------------------|----------|
| a) 1 – 4 units    | \$40 00  |
| b) 5 – 10 units   | \$75 00  |
| c) 11 – 25 units  | \$100 00 |
| d) 26 – 100 units | \$250 00 |
| e) over 101 units | \$350 00 |

(E) No person under the age of eighteen (18) or over the age of sixty-five (65) will be required to obtain a business license for the purpose of cutting grass. However, if the gross sales or income exceeds the fee schedule a license must be applied for and fees paid. If requested by the City Clerk or Treasurer any person employed in this service may be required to submit a copy of their most recent tax return to continue without the required license. Before the request is made for any tax documentation are made approval of City Council must be obtained.

110.02B COMPLIANCE:

(A) The fee shall be due and payable annually based upon the gross income reportable for federal income tax purposes. The date when report and remittance shall be due the City shall be April 15 year. The report of each year shall include a true and complete copy of the Business Schedule C.

(1) The fee shall be on forms provided by the office of the City Clerk with the duty that each employee, person, trade, occupation, profession, business, or activity shall obtain and use such form for the report. The report of each year shall contain a comprehensive statement or copy of the entire annual income which would coincide with the income reported for federal income tax purposes, as an easy reference for compliance.

(2) If a licensee shall terminate his business for which the license fee has not been paid, the proper return shall be filed and the fee paid within one hundred thirty-five (135) days after the termination of the business.

(B) The Director of Finance (the City Clerk) is to deposit and confidentially record and maintain records of compliance and date of receipt. No disclosure of amounts or fees paid by individual, general trade or other category shall be revealed except necessarily for enforcement and compliance.

The Director of Finance is to keep an accurate record showing the amount and date of receipt. Said Director shall have the duty to make inquiry and request from any licensee and/or its accountants compliance and/or certifying documentation of accuracy, and licensee shall file such auditing materials and compliance within thirty (30) days from such request.

(C) The "Licensee" is any business or person required to file a return or to pay a license fee under this ordinance.

(D) Random audits will be performed on ten percent (10%) of the returns annually and results presented to the City Council for review and enforcement guidance prior to the letter of additional tax due being issued to the taxpayer.

(G) Within forty-five (45) days of receipt of additional tax due notice, the taxpayer may appeal the auditors decision to the City Council, this appeal may be in person at the monthly Council meeting or by writing to the City Council with evidence that the return was correct as presented. The decision of the City Council will be the only source for appeal without seeking legal remedies

(H) If the City Clerk/Treasurer determines on the basis of a random audit of the license tax returns that the full amount of the license tax due has not been paid, a notice of additional tax due plus penalty and interest may be served. This notice may be served anytime within five (5) years after the license tax was payable upon receipt of notice

#### 110.03B PENALTIES:

(A) Failure to comply with payment or audit and subsequent payment request should be unlawful. A minimum penalty for late filing of ten percent (10%) of the fee due shall be imposed plus interest of twelve percent (12%) per annum on the unpaid tax plus all cost for accountants, legal representation, and incidental cost by the City to achieve compliance until paid

Failure to cooperate with the Director of Finance shall be a violation and after thirty (30) days written notice to the licensee or supposed licensee or supposed licensee at their last address may be cited as a violation with a penalty of \$10 00 to \$100 00 fine for each day until compliance

Any information gained by the Director of Finance or any other City official, agent, or employee of the City as a result of returns, investigation, or verification shall be confidential except in accordance with proper judicial order and any such agent or employee of the City shall upon violation be subject to a fine of not less than \$250 00 nor

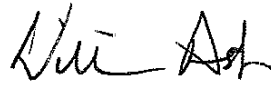
more than \$500 00 or incarceration not to exceed sixty (60) days or both and shall be dismissed from employment by the City upon conviction. Each breach of confidence constitutes a separate offense.

110.04 BOARD OF CONTROL:

(A) The board of control will be the duly elected City Council. Said members shall supervise the Director of Finance in the performance of his/her duties. They shall review all decisions and make recommendations to the Director from time to time. Any individual member of the council shall not have access to any of the confidential records or books of the City of the taxpayer, licensee or person subject to the provisions of this article unless brought before the Council operating as the "Board of Control", or said confidentiality is waived in writing by such licensee, taxpayer or person subject to the tax imposed by this article. Any licensee, taxpayer or other person subject to the tax imposed by this article may appeal any decisions made by said Director of Finance to the Council and its decisions shall be binding. Any appeal of a decision of the Director of Finance to the Council shall be in writing directed to the Council within thirty (30) days after notice of the decision of the Director of Finance. Any aggrieved taxpayer, licensee or person subject to the provisions of this article may appeal any decision of the Council to the Circuit Court in this county within thirty (30) days after notification of the decision of the Council.

First reading on the 13<sup>th</sup> day of August 2012

Second reading and adoption on the 10<sup>th</sup> day of September, 2012.



William Ash, Mayor  
City of West Point, Ky

ATTEST:



Melissa Williams City Clerk  
City of West Point, Ky